

# MEMORANDUM

September 27, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: CINDY LEE  
Franscell, Strickland, Roberts and Lawrence

ROGER H. GRANBO  
Principal Deputy County Counsel  
General Litigation Division

RE: Reyes Cardenas v. County of Los Angeles  
United States District Court Case No. CV 03-5182 DT

DATE OF  
INCIDENT: June 26, 2001

AUTHORITY  
REQUESTED: \$95,000

COUNTY  
DEPARTMENT: Sheriff's Department


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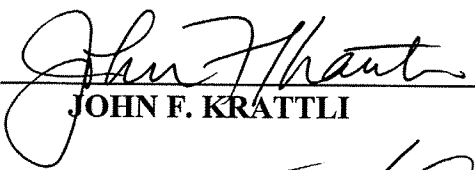
## CLAIMS BOARD ACTION:

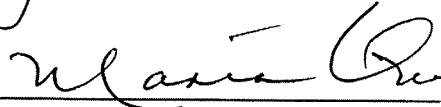
☒ Approve

☐ Disapprove

☐ Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on October 4, 2004

## SUMMARY

This is a recommendation to settle for \$95,000, a civil rights lawsuit filed by Reyes Cardenas, who alleges that he was falsely arrested by a Sheriff's Deputy, and subsequently imprisoned as a result of a false report written by the Sheriff's Deputy.

## LEGAL PRINCIPLES

Under Federal Civil Rights law, a person who is arrested without probable cause may recover damages. Recoverable damages for false arrest and imprisonment against an arresting officer begin on the date of incarceration and end on the date the District Attorney files charges, unless the filing of charges by the District Attorney was based on false information from the arresting agency. In that case, damages are recoverable for the entire period of incarceration.

A prevailing plaintiff in a civil rights action is entitled to an award of attorney fees.

## SUMMARY OF FACTS

In June 2001, a Sheriff's Department Detective was conducting a narcotics investigation in the City of Compton. Based primarily upon information obtained from two confidential informants, the Detective obtained narcotics search warrants for two locations in Compton. On June 26, 2001, the Detective, along with other Sheriff's Deputies, executed the warrants at the two locations.

Reyes Cardenas was at one of the locations, and according to the Detective's report, during the execution of the warrant, he saw Reyes Cardenas throw a bag of narcotics onto a neighboring roof. Moreover, notebooks retrieved at both of the locations contained what appeared to be drug courier lists, and Mr. Cardenas' name was on the list. The Detective arrested Reyes Cardenas for possession and sale of cocaine, among other offenses. Mr. Cardenas, who denied that he was the person who threw the bag of narcotics onto the roof, ultimately pled no contest to possession of cocaine, and was sentenced to four years in prison.

Meanwhile, following an investigation into allegations that an unknown suspect had stolen money during the service of the search warrants, evidence came to light that conflicted with the Detective's report. Another Sheriff's Deputy at the scene of the execution of the warrants stated that she saw the Detective's informant, not Mr. Cardenas, throw the bag of narcotics onto the roof. Based on this evidence, the District Attorney filed a Petition for Writ of Habeas Corpus on Mr. Cardenas' behalf, which resulted in the conviction being

set aside. Mr. Cardenas was released from custody on May 8, 2002, over ten months from the date of his arrest.

On May 31, 2002, a grand jury indicted the Detective on seven counts, including accessory after the fact of possession of controlled substance, filing a false report, falsification of records, perjury under oath, and false imprisonment. The case went to trial, and on January 28, 2003, the Detective was acquitted of the charges against him.

In his lawsuit, Mr. Cardenas claims that the Detective falsely arrested him, and that his false report and testimony caused him to be imprisoned for ten months.

## DAMAGES

Should this matter proceed to trial, the damages could be as follows:

Emotional Distress	\$500,000
Civil Rights Attorney fees	<u>\$250,000</u>
Total	<u>\$750,000</u>

The proposed settlement calls for the County to pay Mr. Cardenas \$95,000 for all of his claims for damages, costs, and attorney fees.

## STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

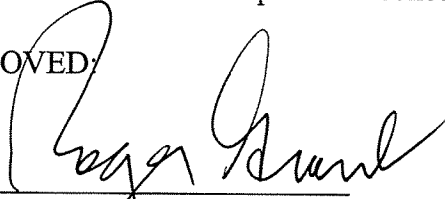
Expenses incurred by the County in defense of this action are attorney fees of \$72,184 and \$4,044 in costs.

## EVALUATION

This is a case of contested liability. The Detective, who was acquitted of criminal charges, insists that Mr. Cardenas was the person who threw the narcotics onto the roof. However, a Sheriff's Deputy will testify that it was the Detective's informant who threw the narcotics, and not Mr. Cardenas. In light of the conflicting evidence, a jury may conclude that the Detective was protecting his informant at the expense of Mr. Cardenas.

We join with our private counsel, Franscell, Strickland, Roberts, and Lawrence, in recommending a settlement of this matter in the amount of \$95,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



C/for  
GARY N. MILLER  
Assistant County Counsel  
General Litigation Division

RHG:scr